

## United States District Court

JUN 29 2021

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

Nathan Gehsner, Clerk

UNITED STATES OF AMERICA

V.

## SECOND AMENDED CRIMINAL COMPLAINT

Kristian Nicole WEST

PRINCIPAL

United States

Case Number:

220 193 895

YOB:

1989

JSH

06/29/2021

M-21- 1326 -M

Herbey Jose SOLIS III

a.k.a. Herbey Jose Solis

CO-PRINCIPAL

United States

220 193 894

YOB:

1993

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 14, 2021 in Brooks County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Paulina Susana Vasquez-Lopez, a citizen and national of Guatemala, Jhosiel Antonio Vasquez-Valencia, a citizen and national of the Dominican Republic, Erick ANDRADE-Valero, a citizen and national of Mexico, Jose Martinez-Rios a citizen and national of Mexico, along with four (4) other undocumented aliens, for a total of eight (8), who had entered the United States in violation of law, transported or moved, or attempted to transport or move such aliens within the United States by means of a motor vehicle, to wit: from a location in Hidalgo County, Texas to Falfurrias, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) Supervisory Border Patrol Agent and that this complaint is based on the following facts:

On June 14, 2021, United States Border Patrol Agents working in the vicinity of Falfurrias, Texas received information from a federal law enforcement entity that a white Ford Explorer bearing Texas license plates JYN 6451, along with a red GMC Sierra bearing Texas license plates LPZ 7907, were going to be attempting to smuggle aliens through the Falfurrias, Texas Border Patrol Checkpoint.

At approximately 4:30 p.m., Border Patrol Agent Rosendo Lopez was riding with Brooks County Deputy John Gomez on US Highway 281, north of the Falfurrias Border Patrol Checkpoint. At this time, Deputy Gomez conducted a traffic stop on a white 2014 Ford Explorer matching the aforementioned description for a possible tint violation and following too close to the vehicle in front of it.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA Jongwoo Chung

/s/ Ian D. Land

Signature of Complainant

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

Ian D. Land

Border Patrol Agent

Printed Name of Complainant

June 29, 2021  
Date

at McAllen, Texas  
City and State

J. Scott Hacker, U. S. Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-21- 1326 -M**

**RE: Kristian Nicole WEST  
Herbey Jose SOLIS III a.k.a. Herbey Jose Solis**

As Deputy Gomez made contact with the driver, Kristian Nicole WEST, BPA Lopez made contact with the four passengers. While Deputy Gomez was talking to the driver, BPA Lopez conducted an immigration inspection on the four passengers and determined they were all citizens of various countries who had entered the country illegally. The vehicle was occupied by Paulina Susana VASQUEZ-Lopez, an Undocumented Non-Citizen (UNC), from Guatemala, Jose MARTINEZ-Rios, a UNC from Mexico and two other UNCs. At this time, WEST and the four UNCs were placed under arrest and transported to the McAllen Border Patrol Station for processing.

Shortly after this initial traffic stop, Deputy Gomez conducted a traffic stop on a red 2014 GMC Sierra also matching the previously provided description for a possible tint violation. As Deputy Gomez was pulling over the vehicle, Supervisory Border Patrol Agent (SBPA) Mathew Cooze pulled in behind Deputy Gomez to back him up on the traffic stop. While Deputy Gomez questioned the driver of the vehicle, Herbey Jose SOLIS, SBPA Cooze conducted an immigration inspection on the other four subjects in the vehicle. SBPA Cooze determined they were all citizens of various countries who had entered the country illegally. The vehicle was occupied by Jhosiel Antonio VASQUEZ-Valencia, a UNC from Dominican Republic, Erick ANDRADE-Valero, a UNC from Mexico and two other UNCs. At this time, SOLIS and the four illegal aliens were placed under arrest and transported to the McAllen Border Patrol Station for processing.

**PRINCIPAL STATEMENTS**

Kristian Nicole WEST, a United States Citizen, was read her Miranda rights. She understood her rights but declined to provide a sworn statement.

Herbey Jose SOLIS, a United States Citizen, was read his Miranda rights. He understood his rights and agreed to provide a sworn statement. SOLIS stated he knowingly transported the four passengers in the GMC in exchange for monetary payment of \$1,000.00. SOLIS stated he was aware the four passengers were illegally present in the U.S. SOLIS stated he was hired to transport the UNCs.

**MATERIAL WITNESS STATEMENT:**

Agents later interviewed VASQUEZ-Lopez and MARTINEZ-Rios who were passengers in the Ford Explorer. Both stated they had paid a fee to be smuggled into the U.S. Both identified WEST as the driver of the Ford Explorer in a photo lineup. They stated West picked them up at a stash house in Mercedes and transported them to get smuggled through the checkpoint.

Agents later interviewed VASQUEZ-Valencia and ANDRADE-Valero who were passengers in the GMC Sierra. Both stated they had paid a fee to be smuggled into the U.S. Both identified SOLIS as the driver of the GMC in a photo lineup. They stated SOLIS picked them up at a Dollar General in McAllen, TX to get smuggled through the checkpoint.